

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE SECRETARY OF THE U.S.	:	
DEPARTMENT OF HOUSING AND URBAN	:	
DEVELOPMENT, AN AGENCY OF THE	:	21 Civ. 6348 (LGS)
UNITED STATES OF AMERICA,	:	
Plaintiff,	:	<u>ORDER</u>
	:	
-against-	:	
	:	
PUBLIC ADMINISTRATOR OF BRONX	:	
COUNTY, AS LIMITED ADMINISTRATO	:	
D.B.N. OF THE ESTATE OF MILDRED	:	
SMITH, DECEASED, NEW YORK, ET AL.,	:	
Defendants.	:	
-----X	:	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, the Order, dated August 12, 2021, required the parties to file a proposed joint letter and case management plan no later than seven days before the initial pretrial conference (Dkt. No. 5);

WHEREAS, the initial pretrial conference is scheduled for October 7, 2021, at 10:30 A.M.;

WHEREAS, on May 12, 2020, Plaintiff filed affidavits of service (Dkt. No. 6-27) stating that Defendants Sunshine Care corp., the Public Administrator of Bronx County, Donnell A. Richardson, Buddy Drake Richardson, Nicole Jones, Delores Johnson, Bethany Elkins, Bronx County Supreme Court, Commissioner of Jurors, United States of America, New York City Parking Violations Bureau, Criminal Court of the City of New York, New York City Environmental Control Board, New York City Housing Authority, United States of America OBO Internal Revenue Service, Donte Dunkley, Faith Smith, Wilma Evon Tyson, New York State Department of Taxation and Finance, Mathew Smith, Jason Smith, Seraya Smith, Mark A. Norman were served (the "Served Defendants");

WHEREAS, no affidavit of service has been filed as to Defendants Dawn Harper and Kim Smith (the “Unserved Defendants”);

WHEREAS, the Served Defendants were required to respond to the Complaint, the latest deadline being September 29, 2021;

WHEREAS, Served Defendants have not responded to the Complaint;

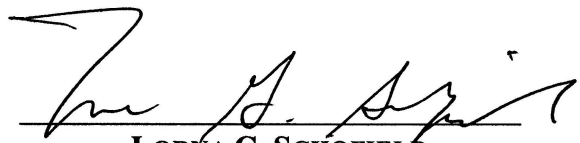
WHEREAS, the parties failed to file the joint letter or proposed case management plan. It is hereby

ORDERED that Plaintiff shall file a letter explaining the status of service on Unserved Defendants. If Plaintiff plans to serve them, Plaintiff shall file a letter requesting adjournment of the initial pretrial conference for up to 30 days. It is further

ORDERED that if Plaintiff does not plan to serve the Unserved Defendants and Plaintiff is in communication with Defendants, the parties shall file the joint letter and proposed case management plan as soon as possible and no later than **October 5, 2021, at noon**, and shall explain why they have not complied with the Court’s deadlines. If Defendants refuse to cooperate in the preparation of these documents, Plaintiff shall prepare and file them. If Plaintiff does not plan to serve the Unserved Defendants and is not in communication with Served Defendants, no later than **October 5, 2021, at noon**, Plaintiff shall file a letter (1) requesting adjournment of the initial pretrial conference for up to 30 days and (2) proposing a date prior to the conference to present an Order to Show Cause for default judgment as to Served Defendants and related papers as provided in the Court’s Individual Rules. It is further

ORDERED that Plaintiff shall serve a copy of this Order on Defendants, and shall file affidavits of service no later than **October 5, 2021**.

Dated: October 4, 2021
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE